

**Compliance agreement.** A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, in which the person agrees to comply with the provisions of this subpart.

**Infestation.** The presence of the pine shoot beetle or the existence of circumstances that make it reasonable to believe that the pine shoot beetle is present.

**Inspector.** Any employee of the Animal and Plant Health Inspection Service, or other individual, authorized by the Administrator to enforce this subpart.

**Interstate.** From any State into or through any other State.

**Limited permit (permit).** A document in which an inspector, or person operating under a compliance agreement, affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.50-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

**Moved (Move, Movement).** Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

**Person.** Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

**Pine nursery stock.** All *Pinus* spp. woody plants, shrubs, and rooted trees, including dug (balled and burlaped) Christmas trees, and ornamental pine, such as bonsai.

**Pine shoot beetle.** The insect known as pine shoot beetle, *Tomicus piniperda* (Linnaeus), in any stage of development.

**Quarantined area.** Any State, or any portion of a State, listed in § 301.50-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.50-3(b) of this subpart.

**Regulated article.** Any article listed in § 301.50-2 (a) or (b) of this subpart or otherwise designated as a regulated article in accordance with § 301.50-2(c) of this subpart.

**State.** The District of Columbia, Puerto Rico, the Northern Mariana Islands,

or any State, territory, or possession of the United States.

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 6347, Jan. 28, 1993]

#### § 301.50-2 Regulated articles.

The following are regulated articles:

(a) Pine products (*Pinus* spp.), as follows: Bark nuggets (including bark chips); Christmas trees; logs with bark attached; lumber with bark attached; nursery stock; raw pine materials for pine wreaths and garlands; and stumps.

(b) Any article, product, or means of conveyance not covered by paragraph (a) of this section, that presents a risk of spread of the pine shoot beetle and that an inspector notifies the person in possession of it is subject to the restrictions of this subpart.

[57 FR 54496, Nov. 19, 1992, as amended at 60 FR 55778, Nov. 3, 1995; 65 FR 51518, Aug. 24, 2000]

#### § 301.50-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area, in paragraph (c) of this section, each State, or each portion of a State, in which the pine shoot beetle has been found by an inspector, in which the Administrator has reason to believe that the pine shoot beetle is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the pine shoot beetle has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing a quarantine and regulations that impose restrictions on the interstate movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of these articles; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the pine shoot beetle.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with

the criteria specified in paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section, or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The areas described below are designated as quarantined areas:

## ILLINOIS

*Boone County.* The entire county.  
*Bureau County.* The entire county.  
*Carroll County.* The entire county.  
*Champaign County.* The entire county.  
*Christian County.* The entire county.  
*Clark County.* The entire county.  
*Coles County.* The entire county.  
*Cook County.* The entire county.  
*De Kalb County.* The entire county.  
*De Witt County.* The entire county.  
*Douglas County.* The entire county.  
*Du Page County.* The entire county.  
*Edgar County.* The entire county.  
*Ford County.* The entire county.  
*Grundy County.* The entire county.  
*Henry County.* The entire county.  
*Iroquois County.* The entire county.  
*Kane County.* The entire county.  
*Kankakee County.* The entire county.  
*Kendall County.* The entire county.  
*La Salle County.* The entire county.  
*Lake County.* The entire county.  
*Lee County.* The entire county.  
*Livingston County.* The entire county.  
*Macon County.* The entire county.  
*Marshall County.* The entire county.  
*Mason County.* The entire county.  
*McHenry County.* The entire county.  
*McLean County.* The entire county.  
*Moultrie County.* The entire county.  
*Ogle County.* The entire county.  
*Peoria County.* The entire county.  
*Piatt County.* The entire county.  
*Putnam County.* The entire county.  
*Shelby County.* The entire county.  
*Stephenson County.* The entire county.  
*Tazewell County.* The entire county.  
*Vermilion County.* The entire county.  
*Whiteside County.* The entire county.  
*Will County.* The entire county.  
*Winnebago County.* The entire county.

*Woodford County.* The entire county.

## INDIANA

*Adams County.* The entire county.  
*Allen County.* The entire county.  
*Bartholomew County.* The entire county.  
*Benton County.* The entire county.  
*Blackford County.* The entire county.  
*Boone County.* The entire county.  
*Brown County.* The entire county.  
*Carroll County.* The entire county.  
*Cass County.* The entire county.  
*Clinton County.* The entire county.  
*Decatur County.* The entire county.  
*De Kalb County.* The entire county.  
*Delaware County.* The entire county.  
*Elkhart County.* The entire county.  
*Fayette County.* The entire county.  
*Fountain County.* The entire county.  
*Franklin County.* The entire county.  
*Fulton County.* The entire county.  
*Grant County.* The entire county.  
*Hamilton County.* The entire county.  
*Hancock County.* The entire county.  
*Hendricks County.* The entire county.  
*Henry County.* The entire county.  
*Howard County.* The entire county.  
*Huntington County.* The entire county.  
*Jasper County.* The entire county.  
*Jay County.* The entire county.  
*Jennings County.* The entire county.  
*Johnson County.* The entire county.  
*Kosciusko County.* The entire county.  
*Lagrange County.* The entire county.  
*Lake County.* The entire county.  
*La Porte County.* The entire county.  
*Madison County.* The entire county.  
*Marion County.* The entire county.  
*Marshall County.* The entire county.  
*Miami County.* The entire county.  
*Monroe County.* The entire county.  
*Montgomery County.* The entire county.  
*Morgan County.* The entire county.  
*Newton County.* The entire county.  
*Noble County.* The entire county.  
*Owen County.* The entire county.  
*Park County.* The entire county.  
*Porter County.* The entire county.  
*Pulaski County.* The entire county.  
*Putnam County.* The entire county.  
*Randolph County.* The entire county.  
*Ripley County.* The entire county.  
*Rush County.* The entire county.  
*Shelby County.* The entire county.  
*St. Joseph County.* The entire county.  
*Starke County.* The entire county.  
*Steuben County.* The entire county.  
*Tippecanoe County.* The entire county.  
*Tipton County.* The entire county.  
*Union County.* The entire county.  
*Vermillion County.* The entire county.  
*Vigo County.* The entire county.  
*Wabash County.* The entire county.  
*Warren County.* The entire county.  
*Wayne County.* The entire county.  
*Wells County.* The entire county.  
*White County.* The entire county.

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*Whitley County.* The entire county.

MAINE

*Franklin County.* The entire county.  
*Oxford County.* The entire county.

MARYLAND

*Allegany County.* The entire county.  
*Frederick County.* The entire county.  
*Garrett County.* The entire county.  
*Montgomery County.* The entire county.  
*Washington County.* The entire county.

MICHIGAN

*Alcona County.* The entire county.  
*Allegan County.* The entire county.  
*Alpena County.* The entire county.  
*Antrim County.* The entire county.  
*Arenac County.* The entire county.  
*Barry County.* The entire county.  
*Bay County.* The entire county.  
*Benzie County.* The entire county.  
*Berrien County.* The entire county.  
*Branch County.* The entire county.  
*Calhoun County.* The entire county.  
*Cass County.* The entire county.  
*Charlevoix County.* The entire county.  
*Cheboygan County.* The entire county.  
*Chippewa County.* The entire county.  
*Clare County.* The entire county.  
*Clinton County.* The entire county.  
*Crawford County.* The entire county.  
*Delta County.* The entire county.  
*Dickinson County.* The entire county.  
*Eaton County.* The entire county.  
*Emmet County.* The entire county.  
*Genesee County.* The entire county.  
*Gladwin County.* The entire county.  
*Grand Traverse County.* The entire county.  
*Gratiot County.* The entire county.  
*Hillsdale County.* The entire county.  
*Huron County.* The entire county.  
*Ingham County.* The entire county.  
*Ionia County.* The entire county.  
*Iosco County.* The entire county.  
*Isabella County.* The entire county.  
*Jackson County.* The entire county.  
*Kalamazoo County.* The entire county.  
*Kalkaska County.* The entire county.  
*Kent County.* The entire county.  
*Lake County.* The entire county.  
*Lapeer County.* The entire county.  
*Leelanau County.* The entire county.  
*Lenawee County.* The entire county.  
*Livingston County.* The entire county.  
*Luce County.* The entire county.  
*Mackinac County.* The entire county.  
*Macomb County.* The entire county.  
*Manistee County.* The entire county.  
*Marquette County.* The entire county.  
*Mason County.* The entire county.  
*Mecosta County.* The entire county.  
*Midland County.* The entire county.  
*Missaukee County.* The entire county.  
*Monroe County.* The entire county.  
*Montcalm County.* The entire county.

*Montmorency County.* The entire county.  
*Muskegon County.* The entire county.  
*Newaygo County.* The entire county.  
*Oakland County.* The entire county.  
*Oceana County.* The entire county.  
*Ogemaw County.* The entire county.  
*Osceola County.* The entire county.  
*Oscoda County.* The entire county.  
*Otsego County.* The entire county.  
*Ottawa County.* The entire county.  
*Presque Isle County.* The entire county.  
*Roscommon County.* The entire county.  
*Saginaw County.* The entire county.  
*St. Clair County.* The entire county.  
*St. Joseph County.* The entire county.  
*Sanilac County.* The entire county.  
*Schoolcraft County.* The entire county.  
*Shiawassee County.* The entire county.  
*Tuscola County.* The entire county.  
*Van Buren County.* The entire county.  
*Washtenaw County.* The entire county.  
*Wayne County.* The entire county.  
*Wexford County.* The entire county.

NEW HAMPSHIRE

The entire State.

NEW YORK

*Albany County.* The entire county.  
*Allegany County.* The entire county.  
*Broome County.* The entire county.  
*Cattaraugus County.* The entire county.  
*Cayuga County.* The entire county.  
*Chautauqua County.* The entire county.  
*Chemung County.* The entire county.  
*Chenango County.* The entire county.  
*Clinton County.* The entire county.  
*Cortland County.* The entire county.  
*Delaware County.* The entire county.  
*Erie County.* The entire county.  
*Essex County.* The entire county.  
*Franklin County.* The entire county.  
*Fulton County.* The entire county.  
*Genesee County.* The entire county.  
*Greene County.* The entire county.  
*Hamilton County.* The entire county.  
*Herkimer County.* The entire county.  
*Jefferson County.* The entire county.  
*Lewis County.* The entire county.  
*Livingston County.* The entire county.  
*Madison County.* The entire county.  
*Monroe County.* The entire county.  
*Montgomery County.* The entire county.  
*Niagara County.* The entire county.  
*Oneida County.* The entire county.  
*Onondaga County.* The entire county.  
*Ontario County.* The entire county.  
*Orleans County.* The entire county.  
*Oswego County.* The entire county.  
*Otsego County.* The entire county.  
*Rensselaer County.* The entire county.  
*St. Lawrence County.* The entire county.  
*Saratoga County.* The entire county.  
*Schenectady County.* The entire county.  
*Schoharie County.* The entire county.  
*Schuyler County.* The entire county.

*Seneca County.* The entire county.  
*Steuben County.* The entire county.  
*Sullivan County.* The entire county.  
*Tioga County.* The entire county.  
*Tompkins County.* The entire county.  
*Warren County.* The entire county.  
*Washington County.* The entire county.  
*Wayne County.* The entire county.  
*Wyoming County.* The entire county.  
*Yates County.* The entire county.

OHIO

*Allen County.* The entire county.  
*Ashland County.* The entire county.  
*Ashtabula County.* The entire county.  
*Athens County.* The entire county.  
*Auglaize County.* The entire county.  
*Belmont County.* The entire county.  
*Butler County.* The entire county.  
*Carroll County.* The entire county.  
*Champaign County.* The entire county.  
*Clark County.* The entire county.  
*Columbiana County.* The entire county.  
*Coshocton County.* The entire county.  
*Crawford County.* The entire county.  
*Cuyahoga County.* The entire county.  
*Darke County.* The entire county.  
*Defiance County.* The entire county.  
*Delaware County.* The entire county.  
*Erie County.* The entire county.  
*Fairfield County.* The entire county.  
*Franklin County.* The entire county.  
*Fulton County.* The entire county.  
*Gallia County.* The entire county.  
*Geauga County.* The entire county.  
*Greene County.* The entire county.  
*Guernsey County.* The entire county.  
*Hamilton County.* The entire county.  
*Hancock County.* The entire county.  
*Hardin County.* The entire county.  
*Harrison County.* The entire county.  
*Henry County.* The entire county.  
*Hocking County.* The entire county.  
*Holmes County.* The entire county.  
*Huron County.* The entire county.  
*Jefferson County.* The entire county.  
*Knox County.* The entire county.  
*Lake County.* The entire county.  
*Lawrence County.* The entire county.  
*Licking County.* The entire county.  
*Logan County.* The entire county.  
*Lorain County.* The entire county.  
*Lucas County.* The entire county.  
*Madison County.* The entire county.  
*Mahoning County.* The entire county.  
*Marion County.* The entire county.  
*Medina County.* The entire county.  
*Meigs County.* The entire county.  
*Mercer County.* The entire county.  
*Miami County.* The entire county.  
*Monroe County.* The entire county.  
*Montgomery County.* The entire county.  
*Morgan County.* The entire county.  
*Morrow County.* The entire county.  
*Muskingum County.* The entire county.  
*Noble County.* The entire county.  
*Ottawa County.* The entire county.

*Paulding County.* The entire county.  
*Perry County.* The entire county.  
*Pickaway County.* The entire county.  
*Pike County.* The entire county.  
*Portage County.* The entire county.  
*Preble County.* The entire county.  
*Putnam County.* The entire county.  
*Richland County.* The entire county.  
*Sandusky County.* The entire county.  
*Seneca County.* The entire county.  
*Shelby County.* The entire county.  
*Stark County.* The entire county.  
*Summit County.* The entire county.  
*Trumbull County.* The entire county.  
*Tuscarawas County.* The entire county.  
*Union County.* The entire county.  
*Van Wert County.* The entire county.  
*Vinton County.* The entire county.  
*Warren County.* The entire county.  
*Washington County.* The entire county.  
*Wayne County.* The entire county.  
*Williams County.* The entire county.  
*Wood County.* The entire county.  
*Wyandot County.* The entire county.

PENNSYLVANIA

*Allegheny County.* The entire county.  
*Armstrong County.* The entire county.  
*Beaver County.* The entire county.  
*Bedford County.* The entire county.  
*Blair County.* The entire county.  
*Bradford County.* The entire county.  
*Butler County.* The entire county.  
*Cambria County.* The entire county.  
*Cameron County.* The entire county.  
*Centre County.* The entire county.  
*Clarion County.* The entire county.  
*Clearfield County.* The entire county.  
*Crawford County.* The entire county.  
*Elk County.* The entire county.  
*Erie County.* The entire county.  
*Fayette County.* The entire county.  
*Forest County.* The entire county.  
*Fulton County.* The entire county.  
*Greene County.* The entire county.  
*Huntingdon County.* The entire county.  
*Indiana County.* The entire county.  
*Jefferson County.* The entire county.  
*Lawrence County.* The entire county.  
*Lycoming County.* The entire county.  
*McKean County.* The entire county.  
*Mercer County.* The entire county.  
*Potter County.* The entire county.  
*Snyder County.* The entire county.  
*Somerset County.* The entire county.  
*Sullivan County.* The entire county.  
*Susquehanna County.* The entire county.  
*Tioga County.* The entire county.  
*Union County.* The entire county.  
*Venango County.* The entire county.  
*Warren County.* The entire county.  
*Washington County.* The entire county.  
*Wayne County.* The entire county.  
*Westmoreland County.* The entire county.  
*Wyoming County.* The entire county.

## Animal and Plant Health Inspection Service, USDA

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### VERMONT

The entire State.

### VIRGINIA

*Clarke County.* The entire county.

### WEST VIRGINIA

The entire state.

### WISCONSIN

*Dane County.* The entire county.

*Grant County.* The entire county.

*Green County.* The entire county.

*Jackson County.* The entire county.

*Kenosha County.* The entire county.

*Lafayette County.* The entire county.

*Rock County.* The entire county.

*Sauk County.* The entire county.

*Walworth County.* The entire county.

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 6348, Jan. 28, 1993; 58 FR 28335, May 13, 1993; 58 FR 34682, June 29, 1993; 58 FR 63027, Nov. 30, 1993; 59 FR 39939, Aug. 5, 1994; 59 FR 52892, Oct. 20, 1994; 60 FR 2322, Jan. 9, 1995; 60 FR 55779, Nov. 3, 1995; 62 FR 64679, Dec. 9, 1997; 63 FR 25155, May 7, 1998; 64 FR 387, Jan. 5, 1999; 65 FR 37842, June 19, 2000; 66 FR 37403, July 18, 2001; 66 FR 46692, Sept. 6, 2001; 67 FR 41308, June 18, 2002; 69 FR 244, Jan. 5, 2004; 69 FR 31725, June 7, 2004; 70 FR 30330, May 26, 2005]

### § 301.50-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area<sup>2</sup> only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.50-5 and 301.50-8 of this subpart;

(b) Without a certificate or limited permit, if:

(i) (i) The regulated article originates outside any quarantined area and is moved through the quarantined area without stopping (except for dropoff loads, refueling, or traffic conditions, such as traffic lights or stop signs) during October, November, or December, or when ambient air temperature is below 10 °C (50 °F); or

(ii) The regulated article originates outside any quarantined area and, during the period of January through September, is moved through the quar-

antined area at a temperature higher than 10 °C (50 °F), if the article is shipped in an enclosed vehicle or completely covered (such as with plastic, canvas, or other closely woven cloth) so as to prevent access by the pine shoot beetle; and

(2) The point of origin of the regulated article is indicated on the waybill.

(c) With a limited permit issued by the Administrator if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Under conditions, specified on the permit, which the Administrator has found to be adequate to prevent the spread of the pine shoot beetle; and

(3) With a tag or label, bearing the number of the permit issued for the regulated article, attached to the outside of the container of the regulated article or attached to the regulated article itself, if the regulated article is not in a container.

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 28335, May 13, 1993]

### § 301.50-5 Issuance and cancellation of certificates and limited permits.

(a) A certificate will be issued by an inspector<sup>3</sup> for the interstate movement of a regulated article if the inspector determines that:

(i) (i) The regulated article has been treated under the direction of an inspector in accordance with § 301.50-10 of this subpart; or

(ii) Based on inspection of the premises of origin, if the regulated article is a greenhouse-grown pine (such as bonsai), that the greenhouse is free from the pine shoot beetle and is screened to prevent entry of the pine shoot beetle; or

(iii) Based on inspection of the regulated article, if the regulated article is a pine seedling or a pine transplant and

<sup>2</sup>Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

<sup>3</sup>Services of an inspector may be requested by contacting the local offices of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.